

Sentence Review Division  
301 S. Park, Suite 328  
P.O. Box 203005  
Helena, MT 59620-3005  
Phone: (406) 841-2977 or  
(406) 841-2976

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,

Plaintiff,

-vs-

BRETT LEE GAMBLIN,

Defendant.

) Cause No. DC-14-099  
)  
) Lewis & Clark County District Court  
) Montana First Judicial District  
)

) **DECISION**  
)  
)  
)

On May 29, 2019, the Defendant was sentenced the Department of Corrections for ten (10) years, with one year suspended, for the offense of Theft (Common Scheme). The Defendant was ordered to pay restitution in the amount of \$9,706.72. He was granted credit for time served for February 25, 2014 – March 31, 2014 and March 13, 2019 – May 29, 2019. Additionally, he was granted credit for 24 months of “street time.”

On November 7, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter “the Division”). The Defendant appeared by video conferencing from the Great Falls Transition Center and was represented by Abigail Rogers, Defense Counsel. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 7<sup>th</sup> day of November, 2019.

DATED this 11<sup>th</sup> day of December, 2019.

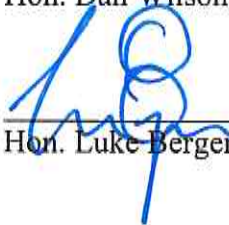
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



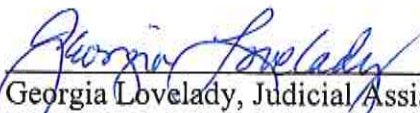
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 13<sup>th</sup> day  
of December, 2019, to:

Clerk of District Court (Original)  
Brett Lee Gamblin #30392, Defendant (2)  
Hon. Michael McMahon  
Abigail Rogers, Defense Counsel  
Leo Gallagher, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division